

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PEORIA TAZEWEILL PATHOLOGY)	
GROUP, S.C.; CONSULTANTS IN)	
LABORATORY MEDICINE AND)	
PATHOLOGY, LTD.; CONSULTANTS IN)	CASE NO. 11 cv 04317
CLINICAL PATHOLOGY, LTD.;)	
R. GLENN HESSEL, M.D.; RONALD)	JUDGE John W. Darrah
CHAMPAGNE, M.D.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
JACK MESSMORE, ACTING DIRECTOR)	
OF THE STATE OF ILLINOIS)	
DEPARTMENT OF INSURANCE, in His)	
Official Capacity; ILLINOIS)	
DEPARTMENT OF INSURANCE; LISA)	
MADIGAN, ATTORNEY GENERAL OF)	
THE STATE OF ILLINOIS, in Her Official)	
Capacity; STATE OF ILLINOIS)	
c/o LISA MADIGAN, ATTORNEY)	
GENERAL OF THE STATE OF)	
ILLINOIS,)	
)	
Defendants.)	

PLAINTIFFS' MOTION TO EXPEDITE BRIEFING AND ORAL ARGUMENT

Plaintiffs, Peoria Tazewell Pathology Group, S.C. ("PTPG"), Consultants in Laboratory Medicine and Pathology Ltd. ("CLMP"), Consultants in Clinical Pathology, Ltd., ("CCP") R. Glenn Hessel, M.D. and Ronald Champagne, M.D. (hereinafter, collectively, "Plaintiffs") respectfully request that this Court issue an Order expediting briefing and oral argument in this matter.

"[A] district court possesses substantial discretion to control its docket." *Machinery Movers, Riggers and Machinery Erectors, Local 136 v. Nationwide Life Ins. Co.*, 2006 WL

2927607, at *2 (N.D. Ill. 2006) (quoting *Employers Ins. of Wausau v. Shell Oil Co.*, 820 F.2d 898, 902 (7th Cir.1987)). This fundamental authority includes the power to set an expedited schedule for court proceedings, and doing so is appropriate where it appears clear that time is of the essence. *Accord Integrated Business Information Service (Proprietary) Ltd. v. Dun & Bradstreet Corp.*, 714 F. Supp. 296, 299 (N.D. Ill. 1989).

Plaintiffs respectfully submit that an expedited briefing schedule and hearing on Plaintiffs' motion for preliminary injunction are imperative in this case. For the reasons articulated in the brief in support of Plaintiffs' motion, Illinois Public Act 096-1523 is unconstitutional on its face and will cause Plaintiffs immediate, irreparable harm if allowed to stand and if enforced, and the potential harms to Plaintiffs are not compensable in money damages, and enforcement of this statute is imminent. Furthermore, this case involves important and novel issues of law under both the Illinois and United States Constitution, the delayed resolution of which will harm not just Plaintiffs, but the public at large.

For these reasons, Plaintiffs respectfully request that this Court set an expedited briefing schedule as follows: Defendants' brief in opposition shall be due no later than July 1, 2011 and Plaintiffs' reply brief shall be due no later than July 6, 2011. Plaintiffs also respectfully request that this Court hear oral argument on the motion for preliminary injunction on July 8, 2011, or as soon thereafter as the Court can accommodate at its earliest convenience.

Respectfully submitted,

Peoria Tazewell Pathology Group, S.C.,
Consultants in Laboratory Medicine and
Pathology, Ltd., Consultants in Clinical
Pathology, Ltd., R. Glenn Hessel, M.D. and
Ronald Champagne, M.D.

By: /s/Richard N. Kessler
One of their Attorneys

ATTORNEYS FOR PLAINTIFFS

McDONALD HOPKINS LLC

RICHARD N. KESSLER (6183140)

JOSEPH J. JACOBI (6273967)

300 N. LaSalle Street, Suite 2100

Chicago, Illinois 60654

Tel: (312) 280-0111

Fax: (312) 280-8236

Email: rkessler@mcdonalddhopkins.com

jjacobi@mcdonalddhopkins.com

McDONALD HOPKINS LLC

ANNE OWINGS FORD (OH 0043717) (intent to appear pro hac vice motion filed)

600 Superior Ave., East, Suite 2100

Cleveland, OH 44114

Tel: (216) 348-5400

Fax: (216) 348-5474 (facsimile)

Email: aoford@mcdonalddhopkins.com